



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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Seattle, WA 98101-3140

JUN 27 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

G. Blahut
Alonso

Reply To: OCE-133

CERTIFIED MAIL -RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Ms. Pam Elardo
Director
King County Wastewater Treatment Division
130 Nickerson Street, Suite 200
Seattle, Washington 98109-1658

Re: King County Pretreatment Program

Dear Ms. Elardo:

On August 28, 2012, the U.S. Environmental Protection Agency (EPA) conducted an inspection of Independent Packers Corp. (IPC) at 2001 West Garfield in Seattle, Washington. The inspection and subsequent investigation determined that IPC discharged process wastewater to King County's Publicly-Owned Treatment Works (POTW) for 11 years without permit coverage.

The discovery that IPC had discharged to King County's POTW without authorization raised concerns about King County's implementation of its Pretreatment Program and its compliance with NPDES Permit No. WA-002918-1. EPA discussed the matter with the King County Industrial Waste Program on July 25, 2013, during which King County officials described implementation of its approved pretreatment program, and provided supporting documentation.

Based upon the IPC inspection and discussions with King County, EPA is raising the following violations and concerns to King County's attention:

Violations:

1. 40 C.F.R. § 403.8(f)(1)(iii). As the approved POTW, King County is required to control each industrial user's contribution to the POTW through Permit, order, or similar means to ensure compliance with applicable Pretreatment Standards and Requirements. During the eleven year period in which IPC was discharging to the POTW without discharge authorization, King County violated 40 C.F.R. § 403.8(f)(1)(iii) when it failed to control IPC's contribution to the POTW through permit, order, or similar means.

2. 40 C.F.R. § 403.8(f)(2)(i). As the approved POTW, King County is required to identify all possible industrial users which might be subject to its POTW Pretreatment Program. During the eleven year period in which IPC was discharging to the POTW without discharge authorization, King County violated 40 C.F.R. § 403.8(f)(2)(i) when it failed to identify IPC as an industrial user subject to its POTW Pretreatment Program.
3. NPDES Permit No. WA-002918-1, § S6.A.1.b, requires the County to “[i]ssue industrial waste discharge permits to all significant industrial users [SIUs, as defined in 40 CFR 403.3(t)(i)(ii)] [sic] contributing to the treatment system ...” King County had not issued an industrial waste discharge permit to IPC at the time of the EPA inspection or during the preceding period. IPC was a Significant Industrial User contributing to the treatment system at the time of the EPA inspection and the preceding period, during which time King County was in violation of Section S6.A.1.b of NPDES Permit No. WA-002918-1.

Concerns:

EPA has additional regulatory concerns about King County’s implementation of its Pretreatment Program. During the July 25, 2013 meeting between EPA and King County, Industrial Waste Program (IWP) staff described how King County identifies industrial users. King County stated that it selects a sector by sector approach to identify industrial users, with a goal of identifying industrial users which (1) may disrupt the operations of their wastewater treatment plant, (2) may adversely impact the quality of their biosolids, and (3) are otherwise of interest to the County administration.

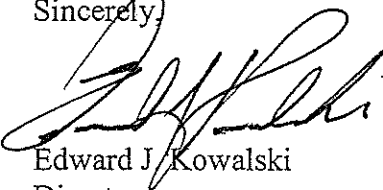
EPA’s concerns however are not in regards to the actions taken by IWP, but instead are in regards to the actions which are not being taken by IWP. During the July 25, 2013 meeting, EPA asked IWP what systematic mechanism(s) exist in which IWP would normally have expected to identify IPC, or other industrial users which do not meet the three enumerated criteria. No systematic method was provided during the meeting or during subsequent discussions.

EPA requested a copy of Chapter 9, “Identifying Industrial Users,” from King County’s Industrial Procedures Manual. Those procedures similarly did not appear to have a systematic method for identifying all industrial users. As a Publicly Owned Treatment Works (POTW) with an approved POTW Pretreatment Program, King County is required under 40 C.F.R. § 403.8(f)(2) to develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. Those procedures must enable the POTW to: identify all possible Industrial Users which might be subject to its POTW Pretreatment Program. Although this Notice of Violation identifies a single violation of 40 C.F.R. § 403.8(f)(2)(i), that violation indicates that King County may have a broader, systemic weakness in its procedures for identifying all industrial users.

EPA encourages you to continue efforts to maintain full knowledge of the pretreatment regulations, Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations. These actions may include monetary penalties of up to \$37,500 per day per violation.

Should you have any questions regarding this letter, please feel free to contact Chris Gebhardt, Compliance Officer, at (206) 553-0253.

Sincerely,



Edward J. Kowalski
Director

cc: William Blakney
Civil Division
King County Prosecutor's Office

Gerald Shervey
Industrial and Stormwater Unit
Ecology Northwest Regional Office

Despina Strong
Manager of the Industrial Waste Program
King County Wastewater Treatment Division

